



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

Bob Kinney - Chairman
Cheryl Richardson, Ward 1
Byron "Tee" Anderson, Ward 2
Hicks Poor, Ward 3
Roy Vanderslice, Ward 4
Brenda McCrae, Ward 5
Stephen Diffley, Ward 7

Tuesday, April 1, 2014

6:00 PM

City Hall Council Chambers

Present: R. W. "Bob" Kinney, Cheryl Richardson, Roy Vanderslice,
Brenda McCrae, Byron "Tee" Anderson

Absent: Stephen Diffley and Hicks Poor

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Shelby Little, Urban Planner
Stephen Crane, City Attorney

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the April 1, 2014 Planning Commission meeting to order at 6:00 p.m.

MINUTES:

20140324 March 4, 2014 Regular Planning Commission Meeting Minutes

Review and Approval of the March 4, 2014 Regular Planning Commission Meeting Minutes

Mr. Vanderslice made a motion to approve the March 4, 2014 Planning Commission Meeting Minutes, as written, seconded Ms. Richardson. Motion carried 4 – 0 – 1 with Mr. Anderson abstaining.

A motion was made by Vanderslice, seconded by Richardson that this Minutes be Approved and Finalized. The motion CARRIED by the following vote: 4 – 0 – 1.

Absent: 2

Vote For: 4

Abstain: 1

REZONINGS:**20140274 Z2014-02 Yhonny Carrero 618 and 620 Bellemeade Drive**

Z2014-02 [REZONING] YHONNY CARRERO request rezoning for property located in Land Lot 00650, District 17, Parcels 2130 and 2150, 2nd Section, Marietta, Cobb County, Georgia and being known as 618 and 620 Bellemeade Drive from RA-6 (Single Family Residential-Attached) to R-4 (Single Family Residential 4 units/acre). Ward 2B.

File #20140274 (Z2014-02) was introduced by Mr. Binzer for property located in Land Lot 00650, District 17, Parcels 2130 and 2150 and being known as 618 and 620 Bellemeade Drive.

A public hearing was held.

Mr. Kevin Carrero assisted the applicant, Yhonny Carrero, with interpretation. The applicant is requesting to rezone the property from RA-6 (Single Family Residential Attached 6 units/acre) to R-4 (Single Family Residential 4 units/acre) to build one single family home on the lot.

Mr. Vanderslice reiterated that the house will be approximately 2,300 square feet with the intent to sale.

The following resident spoke in opposition:

Alice Annette Herndon, a resident of 640 Bellemeade, expressed concern about the property being single family and not multi-family, preventing erosion, and for the builder to stay within normal building codes.

Mr. Carrero stated that the plan is to build a single family home by combining the two lots.

The public hearing was closed.

Mr. Vanderslice made a motion to recommend to City Council approval of this request, seconded by Ms. Richardson with the stipulation that this be for a single family home only. Motion carried 5 – 0 – 0.

Recommended for Approval as Stipulated

Absent: 2

Vote For: 5

20140275 Z2014-03 George Suarez 1161 Sandy Plains Road

Z2014-03 [REZONING] GEORGE SUAREZ request rezoning for property located in Land Lot 07790, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 1161 Sandy Plains Road from R-2 (Single Family Residential 2 units/acre) to NRC (Neighborhood Retail Commercial). Ward 6B.

File #20140275 (Z2014-03) was presented by Mr. Binzer for property located in Land Lot 07790, District 16, Parcel 0050, and being known as 1161 Sandy Plains Road.

The applicant, George Suarez, is requesting rezoning from R-2 (Single Family Residential 2 units/acre) to NRC (Neighborhood Retail Commercial) in order to renovate the existing structure and use as a catering business and restaurant.

Alex Hofelich with Southeastern Engineering explained the site details.

No one in support or in opposition to this request.

The public hearing was closed.

Chairman Kinney and other board members commented about usage of the house next door might eliminate the number of variances requested, the driveway, side setbacks, pervious pavers, customers parking on the side of the street, deliveries and the busiest time of day.

Ms. Richardson, seconded by Tee Anderson, moved to make a recommendation to city council to approve the application, as written, with the following variances:

- Variance to reduce the major side setback from 20' to 10' for the encroachment of the existing structure. [§708.15 (H)]
- Variance to reduce the buffer along the eastern property line from 30' to 0.' [§708.15 (I)]
- Variance to reduce the major side yard setback for an unenclosed projection (deck) from 10' to 5.' [§708.15 (H) & §710.14 (B)]
- Variance to reduce the width of the planted border area from 10' to 3' in order to accommodate the widening the right of way. [§712.08 (G2)]
- Variance to allow the use of pervious pavers as an acceptable parking surface. [§716.08 (A.) and (B.)]
- Variance to reduce the required parking for a restaurant from one space for every 175 square feet to one space for every 213 square feet. [§716.07 TABLE J.]

Motion carried 4-1-0 with Mr. Vanderslice opposed.

A motion was made by Richardson, seconded by Anderson that this Ordinance be Recommended for Approval as Stipulated. The motion CARRIED by the following vote: 4 – 1 – 0.

Absent: 2

Vote For: 4

Vote Against: 1

20140276

Z2014-04 Michael P. Landry, LLC 346 & 354 Lawrence Street

Z2014-04 [REZONING] MICHAEL P. LANDRY, LLC request rezoning for property located in Land Lot 12160, District 16, Parcels 0420 and 1210, 2nd Section, Marietta, Cobb County, Georgia and being known as 346 & 354 Lawrence Street from R-4 (Single Family Residential 4 units/acre) to OIT (Office Institution Transitional). Ward 5A.

File #20140276 (Z2014-04) was presented by Mr. Binzer for property located in Land Lot 12160, District 16, Parcels 0420 and 1210 and being known as 346 and 354 Lawrence Street.

Michael Landry, with Michael P. Landry, LLC is representing the owner, HSR Properties and seeking rezoning from R-4 (Single Family Residential 4 units/acre) to OIT (Office Institution Transitional).

Mr. Landry gave an overview of the business area to the west and north and the multi-story condo building to the south. The proposal is to combine the two properties. The building will be used for professional services. Mr. Landry described the existing structure as well as the new addition, exterior finish, driveway, parking, fencing, and specimen trees will remain.

No one in support or in opposition to this request.

The public hearing was closed.

Mr. Vanderslice expressed concern regarding the code violations. According to Mr. Landry, if the rezoning is approved, work will probably start immediately.

Mrs. McCrae confirmed the type of business and asked that the aesthetics be pleasing to the neighborhood.

Ms. Richardson also stated that she is not happy with the current state of the house or the lack of information as to the future of this request.

Mr. Landry gave Chairman Kinney a description of the proposed renovations to the existing house.

Mrs. McCrae made a motion to deny this request, seconded by Ms. Richardson, the motion failed by a 2 – 3 – 0 vote.

Mr. Vanderslice made a motion to recommend to city council the approval of this rezoning, with variances and stipulations, seconded by Mr. Anderson. Motion carried 3 – 2 – 0 with Mrs. McCrae and Ms. Richardson opposed.

A motion was made by Vanderslice, seconded by Anderson that this Ordinance be Recommended for Approval as Stipulated. The motion CARRIED by the following vote: 3 – 2 – 0.

Absent: 2

Vote For: 3

Vote Against: 2

REZONING / ANNEXATION / FUTURE LAND USE

20140277

Z2014-05 Christina L. Bailey 759 Lowell Drive

Z2014-05 [REZONING] CHRISTINA L. BAILEY request rezoning for property located in Land Lot 00090, District 17, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia and being known as 759 Lowell Drive from RM-12 [Multi-family Residential (12 units/acre) County] to RM-12 [Multi-family Residential (12 units/acre) City]. Ward 2B.

File #20140277 (Z2014-05) was presented by Mr. Binzer for property located in Land Lot 00090, District 17, Parcel 0190 and being known as 759 Lowell Drive.

A public hearing was held.

The property owner, Christina L. Bailey, is seeking to rezone her property in order for her grandchildren to attend Marietta City Schools. Mrs. Bailey's daughter and 3 grandchildren reside at 759 Lowell Drive.

No one in support or in opposition to this request.

The public hearing was closed.

Ms. Richardson moved to make a recommendation to city council to approve the rezoning from RM-12 to R-3, seconded by Mr. Anderson. Motion carried 4 – 1 – 0 with Mr. Vanderslice opposed.

A motion was made by Richardson, seconded by Anderson that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 4 – 1 – 0.

Absent: 2

Vote For: 4

Vote Against: 1

20140278

A2014-01 Christina L. Bailey 759 Lowell Drive

A2014-01 [ANNEXATION] CHRISTINA L. BAILEY requests annexation for property located in 00090, District 17, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia, and being known as 759 Lowell Drive, consisting of a total of 0.4 acres; along with all required right-of-way. Ward 2B.

File #20140278 (A2014-01) was introduced by Mr. Binzer for property located in Land Lot 00090, District 17, Parcel 0190 and being known as 759 Lowell Drive.

A public hearing was held.

Mrs. Bailey's reiterated her desire to annex her property into the city limits of Marietta in order for her grandchildren to attend Marietta City Schools.

No one in support or in opposition to this request.

The public hearing was closed.

Ms. Richardson moved to make a recommendation to city council to annex this property from Cobb County into the city of Marietta, seconded by Mr. Anderson. The motion carried 4 – 1 – 0 with Mr. Vanderslice opposed.

A motion was made by Richardson, seconded by Anderson that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 4 – 1 – 0.

Absent: 2

Vote For: 4

Vote Against: 1

20140279 CA2014-02 Christina L. Bailey 759 Lowell Drive

CA2014-02 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 00090, District 17, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia, and being known as 759 Lowell Drive, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 2B.

File #20140279 (CA2014-02) was presented by Mr. Binzer for property located in Land Lot 00090, District 17, Parcel 0190 and being known as 759 Lowell Drive.

A public hearing was held.

Mr. Binzer explained that every property annexed has to be placed in a future land use category and the closest category is MDR (Medium Density Residential).

No one in support or in opposition to this request.

The public hearing was closed.

Ms. Richardson made a motion to recommend to city council to approve the proposal made by the City of Marietta to designate the Future Land Use as MDR (Medium Density Residential), seconded by Mr. Anderson. Motion carried 5 – 0 – 0.

A motion was made by Richardson, seconded by Anderson that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 5 – 0 – 0.

Absent: 2

Vote For: 5

REZONING / ANNEXATION / FUTURE LAND USE**20140280 Z2014-06 City of Marietta 1803 Lower Roswell Road**

Z2014-06 [REZONING-ISLAND ANNEXATION] CITY OF MARIETTA request rezoning for property located in Land Lot 12070, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 1803 Lower Roswell Road from GC [General Commercial (County)] to LI [Light Industrial (City)]. Ward 7A.

File #20140280 (Z2014-06) was presented by Mr. Binzer for property located in Land Lot 12070, District 16, Parcel 0010, and being known as 1803 Lower Roswell Road.

The city of Marietta is seeking rezoning from GC (General Commercial) in Cobb County to LI (Light Industrial).

The owners, Joel Thomas and Edward Thomas, were present. This rezoning was initiated by City Council through the Judicial Legislative Committee.

Both of the owners are in favor of this rezoning.

No one in support or in opposition to this request.

The public hearing was closed.

Ms. Richardson moved to make a recommendation to the city council to approve the rezoning application from GC (General Commercial) in the county to LI (Light Industrial) in the city, seconded by Ms. McCrae. Motion carried 5 – 0 – 0.

A motion was made by Richardson, seconded by McCrae that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 5 – 0 – 0.

Absent: 2

Vote For: 5

20140281 A2014-02 City of Marietta 1803 Lower Roswell Road

A2014-02 [ISLAND ANNEXATION] CITY OF MARIETTA request annexation for property located in Land Lot 12070, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 1803 Lower Roswell Road consisting of 1.033 acres; along with all required right-of-way. Ward 7A.

File #20140281 (A2014-02) was presented by Mr. Binzer for property located in Land Lot 12070, District 16, Parcel 0010, and being known as 1803 Lower Roswell Road.

The owners, Joel Thomas and Edward Thomas, were present. This annexation was initiated by City Council through the Judicial Legislative Committee.

Both of the owners are in favor of this annexation.

No one in support or in opposition to this request.

The public hearing was closed.

Mr. Vanderslice moved to make a recommendation to the city council to approve the annexation, as presented, seconded by Ms. Richardson. Motion carried 5 – 0 – 0.

A motion was made by Vanderslice, seconded by Richardson that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 5 – 0 – 0.

Absent: 2

Vote For: 5

20140282 CA2014-03 City of Marietta 1803 Lower Roswell Road

CA2014-03 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 12070, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1803 Lower Roswell Road, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 7A.

File #20140282 (CA2014-03) was presented by Mr. Binzer for property located in Land Lot 12070, District 16, Parcel 0010, and being known as 1803 Lower Roswell Road.

Mr. Binzer explained that every property annexed has to be placed in a future land use category and the closest category is CAC (Community Activity Center).

No one was in support and or in opposition.

The public hearing was closed.

Mr. Vanderslice made a motion to recommend to city council to approve the proposal made by the City of Marietta to designate the Future Land Use as CAC (Community Activity Center), seconded by Mr. Anderson. Motion carried 5 – 0 – 0.

A motion was made by Vanderslice, seconded by Anderson that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 5 – 0 – 0.

Absent: 2

Vote For: 5

OTHER:

20140284

A2014-03 Loudermilk Homes, LLC 1400 Allgood Road

A2014-03 [DEANNEXATION] LOUDERMILK HOMES, LLC request deannexation for property located in Land Lot 09210, District 16, Parcel 00200, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1400 Allgood Road. Ward 6.

File #20140284 (A2014-03) was presented by Mr. Binzer for property located in Land Lot 09210, District 16, Parcel 00200, and being 1400 Allgood Road. The county does not object to the deannexation with certain conditions attached.

The property owner, Sherwin Loudermilk, is requesting deannexation to Cobb County. Mr. Loudermilk is wanting to develop the property and the surrounding neighborhoods are in the county. Leaving the property in the city would create school bus service and trash service to intrude in the well-established neighborhood.

According to Mr. Loudermilk and due to topography the only way to develop the property is to get a sewer line that runs through the county property owner.

No one in support or opposition.

The Board continued questioning the application regarding topography, water runoff, erosion and other issues.

The public hearing was closed.

No one in support or opposition.

Ms. Richardson moved to recommend approval to the city council for the deannexation of 1400 Allgood Road, seconded Mr. Vanderslice, and that an updated legal description be provided before the April 9, 2014 city council meeting. The motion carried 3 – 2 – 0 with Mrs. McCrae and Chairman Kinney opposed.

A motion was made by Richardson, seconded by Vanderslice that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 3 – 2 – 0.

Absent: 2

Vote For: 3

Vote Against: 2

ADJOURNMENT:

Ms. Richardson moved to adjourn the April 1, 2014 Planning Commission meeting at 7:25 p.m., seconded by Mr. Anderson.

ROBERT W. KINNEY, CHAIRMAN

PATSY BRYAN, SECRETARY